

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

Civil Action No. 6:12-cv-499

V.

LEAD CASE

TEXAS INSTRUMENTS, INC., *et al.*,

Defendants.

Defendants.

Defendants.

Defendants.

Defendants.

Defendants.

Defendants.

BLUE SPIKE, LLC,

Plaintiff,

Civil Action Case No. 6:13-cv-40

V.

CONSOLIDATED CASE

AOPTIX TECHNOLOGIES, INC.,

Defendant.

Defendant.

Defendant.

Defendant.

Defendant.

Defendant.

**DECLARATION OF BRYAN A. KOHM IN SUPPORT OF DEFENDANT’S
MOTION TO STRIKE BLUE SPIKE’S IMPROPERLY-FILED
SUPPLEMENTAL COMPLAINT AND TO DISMISS THE ACTION
FOR LACK OF PERSONAL JURISDICTION AND IMPROPER VENUE**

I, Bryan A. Kohm, declare as follows:

1. I am an attorney at law duly licensed to practice in California and am admitted to practice in this district. I am an associate with the law firm of Fenwick & West LLP, counsel for Defendant AOptix Technologies, Inc. (“AOptix”). I have personal knowledge of the matters set forth herein, and if called upon to do so, could testify competently thereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of AOptix's Complaint for Declaratory Judgment of Patent Non-Infringement and Patent Invalidity filed in *AOptix Techs., Inc. v. Blue Spike, LLC*, Civ. No. 13-1105 (N.D. Cal. filed on Mar. 11, 2013).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 19th day of September, 2013 at San Francisco, California.

/s/ Bryan A. Kohm

Bryan A. Kohm
E-mail: bkohm@fenwick.com

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

September 19, 2013

/s/ Bryan A. Kohm

Bryan A. Kohm